

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARK MONDRAGON,

Plaintiff,

vs.

Civ. No. 21-427 KK/JMR

RIO RANCHO PUBLIC SCHOOLS  
BOARD OF EDUCATION, *et al.*,

Defendants,

*and*

SARAH MONTTOYA,

Plaintiff,

vs.

Civ. No. 21-648 KK/JMR

RIO RANCHO PUBLIC SCHOOLS  
BOARD OF EDUCATION, *et al.*,

Defendants,

*and*

ANGELA SALAZAR,

Plaintiff,

vs.

Civ. No. 21-751 KK/JMR

RIO RANCHO PUBLIC SCHOOLS  
BOARD OF EDUCATION, *et al.*,

Defendants.

**ORDER SETTING JURY TRIAL**

THIS MATTER is before the Court following a Telephonic Trial Scheduling Conference on May 9, 2023. (Doc. 56.) The hearings and deadlines below are hereby set.

**Jury Selection and Jury Trial** will begin on **Monday, February 26, 2024, at 9:00 a.m.**, lasting through **Friday, March 1, 2024**, at the Pete V. Domenici United States District Courthouse, 480 Chama Courtroom, Fourth Floor, 333 Lomas Boulevard, Northwest, Albuquerque, New Mexico 87102.

A **Pretrial Conference** is set for **February 12, 2024, at 9:30 a.m.** at the Pete V. Domenici United States District Courthouse, 480 Chama Courtroom, Fourth Floor, 333 Lomas Boulevard, Northwest, Albuquerque, New Mexico 87102.

The parties will comply with the following instructions and with the deadlines set forth in the attached Table of Pre-Trial Deadlines.

**1. Proposed Pretrial Order**

The parties will submit a proposed Pretrial Order as follows: Plaintiffs' portions from Plaintiffs to Defendants by **January 22, 2024**; and, consolidated proposed Pretrial Order from Defendants to the Court by **February 5, 2024**.

**2. Jury Instructions and Verdict Form**

The parties will meet and confer about proposed jury instructions. Plaintiffs are responsible for filing a set of proposed jury instructions to which all parties agree. Proposed instructions on which the parties cannot agree must be filed separately by the requesting party. There shall be only one instruction per page and each instruction shall include a citation to supporting authority at the bottom of the page. The parties must also e-mail a copy of proposed jury instructions in Word format, without citations, to [khalsaproposedtext@nmd.uscourts.gov](mailto:khalsaproposedtext@nmd.uscourts.gov).

These requirements do not apply to the stock instructions on my page at the Court's website.<sup>1</sup> When filing proposed instructions, the parties must include a separate page that lists

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<sup>1</sup> See <https://www.nmd.uscourts.gov/content/honorable-kirtan-khalsa>

requested stock instructions by number. They should not reproduce the language of the stock instructions or e-mail these instructions to the Court.

**3. Witness Lists and Use of Deposition Testimony**

The parties shall file witness lists, which must disclose both witnesses the parties “will call” and witnesses they “may call” at trial. These lists should indicate whether the witness is testifying by deposition, videotaped deposition, or in person.

The parties shall also file designations of deposition testimony (including videotaped deposition testimony) they intend to use at trial. The designations must state the pages and lines of the transcripts of the depositions to be used. Counsel must submit copies of the deposition transcripts to my chambers by the due date for designations of deposition testimony and must highlight the parts of the depositions that are to be used. Plaintiffs will use a yellow marker and Defendants a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

Any anticipated objections to witnesses and any objections to the use of deposition testimony must be in writing and filed with the Court. If the parties wish to file responses to any objections, they may do so.

**4. Exhibit Lists and Exhibits**

The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. They must also submit to the Court one marked copy of all exhibits they seek to use at trial. The parties shall file with the Court a brief description of the legal bases for their objections to each contested exhibit. If the parties wish to file responses to any objections, they may do so. To the greatest extent possible, the Court will rule on the admissibility of all tendered exhibits at the Pretrial Conference.

Two (2) final courtesy sets of exhibits and two (2) copies of a final exhibit list must be submitted to the Court ten (10) days before the first day of trial. Plaintiffs' exhibits should be marked numerically and Defendants' exhibits should be marked alphabetically unless leave to mark exhibits in some other manner is granted.

**5. Motions in Limine**

Please refer to the attached table for deadlines regarding motions in *limine*.

**6. Statement(s) of the Case**

Counsel shall confer and file with the Court a consolidated, clear, concise statement of the case to be read to the jury panel before *voir dire*. If counsel are unable to agree to a consolidated statement of the case, they shall file separate statements of the case.

**7. Trial Briefs**

The parties are encouraged but not required to file trial briefs outlining basic legal theories, anticipated evidence in support of these theories, and the legal bases of any anticipated evidentiary disputes.

**8. Pretrial Conference**

Counsel should be prepared to argue any pending motions *in limine*, objections to proposed exhibit and witness lists, and any other matter pertaining to the trial at the Pretrial Conference. The parties need not be present for the Pretrial Conference.

**9.** Inquiries and notices of settlement should be directed to my chambers at (505) 348-2340.

IT IS SO ORDERED.



**KIRTAN KHALSA**  
**United States Magistrate Judge**

**TABLE OF PRE-TRIAL DEADLINES***Mondragon v. Rio Rancho Public Schools, et al.*, Civ. No. 21-427 KK/JMR*Montoya v. Rio Rancho Public Schools, et al.*, Civ. No. 21-648 KK/JMR*Salazar v. Rio Rancho Public Schools, et al.*, Civ. No. 21-751 KK/JMR

<b>Jury Instructions</b>	<b>Deadline</b>	<b>Date Due</b>
Jury Instructions and Verdict Form - Joint and Separate Submissions	14 calendar days before pretrial conference	<b>January 29, 2024</b>
Objections to Opposing Party's Jury Instructions	7 calendar days before pretrial conference	<b>February 5, 2024</b>
<b>Witness Matters</b>	<b>Deadline</b>	<b>Date Due</b>
Witness Lists	21 calendar days before pretrial conference	<b>January 22, 2024</b>
Objections to Witness Lists	14 calendar days before pretrial conference	<b>January 29, 2024</b>
Deposition Designations	21 calendar days before pretrial conference	<b>January 22, 2024</b>
Objections to Use of Deposition Testimony	14 calendar days before pretrial conference	<b>January 29, 2024</b>
Responses to Objections to Witnesses and/or Deposition Testimony	7 calendar days before pretrial conference	<b>February 5, 2024</b>
<b>Exhibit Matters</b>	<b>Deadline</b>	<b>Date Due</b>
Proposed Exhibits Lists	21 calendar days before pretrial conference	<b>January 22, 2024</b>
Objections to Exhibits	14 calendar days before pretrial conference	<b>January 29, 2024</b>
Responses to Objections to Exhibits	7 calendar days before pretrial conference	<b>February 5, 2024</b>
Exhibits	1 marked copy of all proposed exhibits: 21 calendar days before pretrial conference	<b>January 22, 2024</b>
	2 final courtesy sets of exhibits and exhibit lists: 1 week before the first day of trial	<b>February 19, 2024</b>
<b>Motions in Limine</b>	<b>Deadline</b>	<b>Date Due</b>
Motions in Limine	14 calendar days before pretrial conference	<b>January 29, 2024</b>
Responses to Motions in Limine	7 calendar days before pretrial conference	<b>February 5, 2024</b>
<b>Statement of the Case</b>	<b>Deadline</b>	<b>Date Due</b>
	14 calendar days before pretrial conference	<b>January 29, 2024</b>

## **GENERAL TRIAL RULES**

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### **Before the Honorable Kirtan Khalsa**

1. Be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, make other arrangements in advance for handling these matters.
2. A multi-day trial will recess at about 5:00 p.m. each day.
3. Clients and witnesses must be on time for each court session. Counsel should always have witnesses available to fill a full trial day (*i.e.*, 8:30 a.m. to 5:00 p.m.).
4. Stand when you speak. Do not argue with opposing counsel in the presence of the jury.
5. When you object in the presence of the jury, make it short and to the point. Speaking objections will not be allowed. Cite the Rule of Evidence or common designation for your objection (*e.g.*, “hearsay”). Do not argue the merits of your objection in the presence of the jury. Do not argue the ruling in the presence of the jury.
6. Counsel generally should be within an arm’s length of the podium when questioning witnesses or addressing the jury.
7. Notify the Court at least two weeks in advance of trial if you need audio-visual or other special equipment. You are responsible for operating this equipment. For training on use of the equipment, please contact the Information Systems Help Desk at 505-348-2110 and schedule training at least two weeks before trial. Please visit [www.nmd.uscourts.gov/courtroom-technology](http://www.nmd.uscourts.gov/courtroom-technology) for more information.
8. Throughout these instructions, the term “trial” refers to the initial jury selection date. Counsel must seek leave of the Court to extend any pretrial deadline.
9. Where a submission deadline falls on a weekend or holiday, the deadline becomes the next working day after the weekend or holiday.

**PREPARATION OF JURY INSTRUCTIONS****Before the Honorable Kirtan Khalsa**

Prepare your proposed jury instructions in accordance with these directions:

1. Plaintiff should **file** a set of stipulated instructions that are numbered and cite authority at the bottom of each instruction (Fig. 1). Also email a copy to [khalsaproposedtext@nmd.uscourts.gov](mailto:khalsaproposedtext@nmd.uscourts.gov) in Microsoft Word format. These instructions should be clearly marked as stipulated.
2. Plaintiff should **e-mail only** (do not file) an unnumbered set of stipulated instructions in Word format, without citations (Fig. 2) to [khalsaproposedtext@nmd.uscourts.gov](mailto:khalsaproposedtext@nmd.uscourts.gov).
3. Each party should **file** a set of contested instructions that are numbered and cite authority at the bottom of each instruction (Fig. 1). Also email a copy to [khalsaproposedtext@nmd.uscourts.gov](mailto:khalsaproposedtext@nmd.uscourts.gov) in Microsoft Word format. These instructions should identify the submitting party and be clearly marked as contested.
4. Each party should **e-mail only** (do not file) an unnumbered set of contested instructions in Word format, without citations (Fig. 2) to [khalsaproposedtext@nmd.uscourts.gov](mailto:khalsaproposedtext@nmd.uscourts.gov)
5. Each instruction should begin on a new page (there should be a page break before each new instruction).
6. Carefully proofread each instruction for errors in spelling, grammar, punctuation, citations, and unintended deviations from pattern instructions used as sources.
7. Submit a cover sheet with the case caption on all sets of instructions.
8. Parties should not submit stock instructions.
9. If the New Mexico Uniform Jury Instructions are not applicable, Judge Khalsa prefers that instructions, to the extent possible, follow the pattern jury instructions for the Fifth Circuit.

Instruction No. _____  Members of the Jury:  In order to demonstrate liability the Plaintiff must show . . . .  Citation . . .
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**Fig. 1: With Citation**

Instruction No. _____  Members of the Jury:  In order to demonstrate liability the Plaintiff must show . . . .
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**Fig. 2: Without Citation**

## FORMAT FOR WITNESS LISTS

**Before the Honorable Kirtan Khalsa**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

[Plaintiff],

v.

[Case No.]

[Defendant].

### [PLAINTIFF'S/DEFENDANT'S] WITNESS LIST

Witness (or Designation of Deposition testimony) <sup>3</sup>	Brief Description of Testimony

<sup>3</sup> Witnesses should be listed in the anticipated order they will be called at trial.

## FORMAT FOR EXHIBIT LISTS

**Before the Honorable Kirtan Khalsa**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

[Plaintiff],

v.

[Case No.]

[Defendant].

### [PLAINTIFF'S/DEFENDANT'S] EXHIBIT LIST

Exhibit No./Letter	Description of Exhibit	Stipulated (Yes or No)	Objection and Basis <i>FOR COURT USE ONLY</i>	Admitted <i>FOR COURT USE ONLY</i>